

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held September 2, 2014

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:32 p.m. by Chairman William B. Hawk, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and Robin L. Lindsey.

Also in attendance was George Wolfe, Township Manager; Steven Stine, Township Solicitor; David Johnson, Public Safety Director; Lt. Mark Zerbe, Police Department, Joseph Blackburn and Dane Merryman, Pennsylvania Chiefs of Police Organization; and Watson Fisher, SWAN.

Pledge of Allegiance

Mr. Crissman led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the July 8, 2014 workshop meeting. Ms. Lindsey seconded the motion, and a unanimous vote followed.

Public Comment

No public comment was provided.

Board Members Comments

Mr. Hawk noted that Nathan Lawrence was present to work on his Boy Scout "Citizen's In the Community Badge". He explained that his Troop is affiliated with Linglestown Life United Methodist Church. Mr. Lawrence introduced his mother who was in attendance with him.

Mr. Crissman requested Mr. Lawrence to come to the podium.

Mr. Lawrence noted that he is from Troop 68 and he is working on a merit badge.

Presentation of Police Department Reaccreditation

PSD Director Johnson noted that he is present to receive the Reaccreditation from the Pennsylvania Law Enforcement Accreditation Commission (PLEAC). He noted that the Department was first accredited in March of 2005 and Lt. Zerbe, who was a sergeant at the time, was involved in that process. He noted that he currently is the person who is responsible for getting this done every three years. He noted that Officer Ralph Palm, the Accreditation Manager was unable to attend tonight's meeting. He noted that various officers were involved in the initial 2005 process. He explained that this is the third reaccreditation process as the Department was reaccredited in 2008, 2011 and now 2014.

PSD Johnson noted that Mr. Joseph Blackburn and Mr. Dane Merryman are present to present the reaccreditation plaque to the Board of Supervisors. He explained that Mr. Blackburn is the coordinator for the state-wide accreditation program that is administered through the Pennsylvania Chiefs of Police Association (PCPA).

Mr. Blackburn noted that it is an honor to be present and he is proud to stand before the Board not only as a Lower Paxton Township resident but also as a former member of the Lower Paxton Township Police Department. He noted that he is representing the PCPA and the PLEAC. He introduced to the Board, Dane Merryman, the Executive Director of PCPA, who is also a Township resident.

Mr. Merryman noted that it is a pleasure for him to be present and to participate in the awarding of this certification of reaccreditation of the Police Department. He noted that it is a hallmark of professionalism that demonstrates a commitment to excellence to best practices as you find it in medicine, education, sciences, and professional services to include law

enforcement. He noted that it is one of the primary supportive infrastructure pieces to the PLEAC, and the association is very pleased to be a part of that program in partnership with the Commission on Crime and Delinquency. He noted that he is happy to participate this evening because he is a resident of the Township and years ago when it was first established in Pennsylvania he was a member of the original Commission that built the standard manual, the process, and the procedures to conduct the program. He congratulated the Board and Director Johnson and the men and women who make up the Lower Paxton Township Police Department as well as the citizens of the Township on this great achievement.

Mr. Blackburn noted that the Board has every right to be proud of the Police Department. He noted that accreditation is a common term, expected from the schools and university, medical facilities, laboratories; but in every case it involves a body of standards. He noted that it requires an institution to meet those standards. He noted for law enforcement in Pennsylvania, only 96 agencies out of 1,100 police departments have met those standards. He noted that Lower Paxton Township was the 18th department to do so. He noted that the Police Department not only meets the standards but it proves that it met the standards. He noted that the way it proves that you meet the standards is by having assessors come in from the outside.

Mr. Blackburn noted for this process, Chief Thomas Ogden, Carnegie Mellon University Police Department; Captain Ralph Liermann, Murrysville Police Department and Sergeant Michael Capperella of Plymouth Township Police Department served as the assessors for this process. He noted when they came here as the others did for the first time, as the Department needs to be reaccredited every three years; they did the same thing they did the first time. He noted that they inspected the facility, the cellblock area, evidence room, interviewed officers, did ride a-longs and inspected files. He noted that it was the opinion of the assessors and the team

leader that the Department should be reaccredited. He noted that they brought the report before the full PLEAC and it was unanimously approved and then it went before the Executive Board of the PCPA where it was again unanimously approved.

Mr. Blackburn questioned who should take credit for this. He noted for this to happen there needs to be 360 degree support and he knows that the Police Department has it. He noted that it starts with the Board of Supervisors, Township Manager, to the men and women of the Police Department, including Director Johnson, command staff, the officers and Accreditation Manager, Ralph Palm, and it also includes the residents of the Township who support their police and deserve a Police Department that meets those professional standards.

Mr. Blackburn presented the plaque to the Board of Supervisors reading from the certificate: "To all who see this certificate know, that the Lower Paxton Township Police having fulfilled the necessary qualifications and mandatory requirements of the Pennsylvania Law Enforcement Accreditation Program of the Pennsylvania Chiefs of Police Association by voluntarily complying with provisions of a professional law enforcement accreditation program by means of achieving and demonstrating the highest acknowledged standards as required by the Pennsylvania Law Enforcement Accreditation Commission. It is hereby recommended and approved and authorized to receive this certificate of law enforcement accreditation." Issued in April and will be valid for another three years.

Mr. Hawk thanked Mr. Blackburn for the coming to make this presentation.

PSD Johnson thanked the Board for allowing Mr. Blackburn to make the presentation and he noted that the work is done by the men and women of the Police Department. He noted that Lt. Zerbe made sure that Officer Palm gets this done. He noted that Officer Palm constantly

works with all the members of the Department to ensure that it continues to meet the standards for this process.

Mr. Hawk noted that he is impressed with three figures that were presented, 1,100 Police Departments in Pennsylvania, with 96 accredited, and the Township was the 18th to do so. He noted that the Police Department is highly trained and highly motivated so it speaks well for the leadership and all the way down the line. He congratulated PSD Johnson on an outstanding Police Department. PSD Johnson noted that the Department had to meet over 137 standards for the Department and there are less than 100 accredited agencies, and the reason is not because it is expensive, but because it is hard. He noted that there is a lot of work that goes into it. He suggested that it continues to be much harder to get reaccredited every three years. He noted that the work is never ending.

Mr. Crissman noted that it is great for the Board to be a part of the ceremony of recognition presented by these gentlemen but he would also like to thank Director Johnson and those people who have spent the time and energy to get this done.

Mr. Hornung noted that being in a retail business where it is always subjected to a lot of theft and other things, in every case, when an officer comes to his store, they are very professional and it exemplifies why we have an accredited Police Department. He noted that they are professional and thorough and the statistics for how many cases that they solve is excellent across the board. He noted that it is very easy for someone to stop at his store to complain about a police officer and in the past year he has not had one complaint. He noted that is incredible if you look at the amount of people that they stop and write tickets for. He noted that it is outstanding and he is very happy to be a part of this. He noted that it makes the Board's job much easier.

PSD Johnson noted that day after day the officers of the Department make sure the work gets done properly.

Mrs. Lindsey thanked PSD Johnson and all his staff for keeping the citizens of the Township safe.

Manager's Report

Mr. Wolfe had no report to provide.

NEW BUSINESS

Change Order No. 2 to the contract with M.F. Ronca, and Sons, Inc., for the PC-1G/1H sanitary sewer mini-basin contract

Mr. Wolfe noted that the change order provides for an increase in the period of time for substantial completion of the project, and provides for the project to be finished for final payment November 28, 2014. He noted that is the only change to this contract as everything else remains the same.

Mr. Hornung questioned if this was for the work that was done in Forest Hills. Mr. Wolfe answered yes. Mr. Hornung noted that he understands why they needed the extension as they did a great job. He noted that it was expected to be one of the worse areas.

Mr. Crissman made a motion to approve Change Order No. 2 to the contract with M. F. Ronca and Sons, Inc. for the PC-1G/1H sanitary mini-basin contract extending the contract to November 28, 2014. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Mr. John Trish, 600 Prince Street, noted that the Board approved a \$1,254,000 change order for M. F. Ronca and Sons and this is another change order for extended time. He noted that he found himself driving through the area where they just newly paved asphalt and he was yelled at , so he stopped his vehicle and walked up to the gentlemen with the white hat and said

why aren't there any cones up or directions and why was he allowed to go through and then you yell at me. He noted that the only reason he turned around was because a roller was coming towards him at Kmart. He noted today, going down Prince Street they were paving the street down the road, there were no signs out, there was a sign that stated, "Road closed ahead", and they had a roller and an asphalt truck as well as a Township vehicle but no one was directing traffic and they are taking all these shortcuts but they need an extension of time. He noted that he would like Mr. Stine to tell him, where as a citizen of the Township, does he draw the line between \$1,254,000 change order for extra asphalt or compacting or whatever you need and extra time and everyone going along to get along. He noted that it makes no sense because there is an officer standing right there that can tell you if you drive through this Township while they are doing work the trucks are coming and going, you have front-end loaders going up the street with piles of stone in it, no tags on them, we need to draw the line somewhere from what they can do and can't do, because a couple of months ago he was complaining and Mr. Wolfe told him that they were doing it in accordance with PennDOT, and they are not. He noted that there is no reason for a Township residents to be driving from A to B and going down A and having to turn around and go down B because the proper signage wasn't there and the person was waving saying that you can't get down that street.

Mr. Trish noted that they are getting ready to do Lancer and Orchard Streets where the flower shop is. He thanked whoever he complained to for filling the pothole at Mayfield and Orchard Streets because every time you drove through there you bottomed out. He noted that the police officers are doing a great job, there is a lot of work going on and he knows that they are working hard but there has to be a line that we draw.

Mr. Trish noted that we need to get a hold of these cages. He noted that he told Mr. Hornung at the last meeting when no one else was watching that they approved a \$74,000 change order and how the change happens and the very next thing on the agenda was a \$1.2 million change order. He noted that is a lot of money, noting that we are the 17th largest Township in the State and we are doing well. He noted that it is time we do a little better, and if he is wrong, he is wrong.

Mr. Hornung noted that every once in a while he gets a question on change orders, noting that they result because what we are doing is purely done by estimate of how much work we have to do because we don't know the extent of the problem when we update private laterals. He noted that they quote on a certain amount of private laterals in the area of linear feet at a certain depth. He noted when change orders come through it usually means that when they hit a particular area there were more private laterals that needed replaced then what was originally on the estimate. He noted that the contractors are forced, having inspectors who verify the count, noting that they go to a lot of trouble rotating the inspectors so one person can't get an allegiance with a certain contractor and we have duplication where we have others come out to check on it to verify what was done, that the amounts were counted, sometimes two or three times, so that nothing is falling through the cracks. He noted that we go to a lot of trouble to verify that the change orders are accurate, having both engineers look at it. He noted that we may bid the project on doing 400 laterals and once they are tested we may find that staff has to replace 500 laterals. He noted that the contractor is entitle to the funds to replace the laterals at the bid price. He noted that is very specifically spelled out on the bid forms. He noted that we try to estimate the amount of laterals and feet as accurately as possible, but sometimes they are worse than we contemplate.

Mr. Trish told Mr. Hornung that he was absolutely right but we had three engineers present at the last meeting and all three agreed that the reason the change order was \$1,254,000 was because they needed too much fill and too much...he noted that the gentleman stated that the road could not handle the six tandems trucks so they had to put in more fill and that had nothing to do with the number of laterals. Mr. Hornung noted that it is a combination of both. Mr. Trish noted that we are a class one Township and there is no reason for a \$ 1,254,000 change order. Mr. Hornung questioned how can you say that without doing a thorough investigation because he has and he will guarantee that there is reason and they are justified in getting what they get. He noted that it is that simple and for you to sit at the podium is unjust to make those accusations. He noted, not only are they wrong, but it is unjust. He questioned if he has investigated this whole thing, come into the office and looked at the numbers and gone out into the field to verify it because until you do that, you don't know.

Mr. Trish answered that he guesses he will have to do that. Mr. Hornung noted that he would like him to do that. Mr. Trish noted that he will. He noted that Mr. Hornung made an excuse for why involving the laterals and that is not what they gave us, that is all he is saying. He noted that the comment was made that the engineers underestimated the amount of fill and at the meeting when the change order was approved it... Mr. Hornung invited Mr. Trish to come in and investigate it and he will find out that there are different reasons.

Mr. Trish noted when he comes to the meeting and Mr. Hornung stated that the reason for \$1,250,000 more is because there was more fill needed and Mr. Wolfe said, it's in the ground. He noted that one of the supervisors said what if we don't approve it; Mr. Wolfe stated that it is too late as it is in the ground. He noted that is all he is saying. He noted that he could be wrong but if Mr. Hornung wants him to come up here and nitpick what you guys are supposed to be

doing then he will do that. Mr. Hornung noted that he wants Mr. Trish to do the investigation before you nitpick and then if you find something that is wrong, then he will believe him, but until he does that, all he is throwing out are allegations.

Mr. Trish noted that it is not an allegation as there was a bid awarded... Mr. Hornung noted that he was done arguing with Mr. Trish. Mr. Trish noted that he is not arguing but there was a bid awarded and then there was a change and he questioned why the change was so high.

Mr. Seeds suggested that the second part of Mr. Trish's comments had to do with safety precautions and maybe sometimes the contractors want to get it done quickly and maybe don't put up the proper detour signs and safety measures and it may be an ongoing thing that the staff and inspectors must insure that all contractors put up the proper detour signage. Mr. Hornung noted that he agrees with that 100%. He noted that Mr. Wolfe will take care of that issue.

Action on bids for the BC-3A/B sanitary sewer mini-basin project

Mr. Wolfe noted that the Township has received nine bids for this project and the lowest responsible bid has been submitted by R3 Construction Incorporated in the amount of \$5,391,811.25. He noted that the bids ranged from that low bid to a high of \$ 6.4 million. He noted that the lowest bids were very close in their overall spread. He noted that the bid from R3 has been reviewed by staff as well as the engineer for the Township and found to be complete. He noted that it is the recommendation from the Authority Department Director and Engineer to act to award this bid this evening.

Mr. Crissman questioned if we have used this contractor in the past. Mr. Wolfe answered that we have not used R3 Construction Inc., but we have checked their references and they have come back satisfactory.

Mr. Crissman questioned Mr. Stine if he had reviewed the contract. Mr. Stine answered yes and he found it to be complete.

Mr. Seeds noted that Mr. Wolfe has reviewed the paving quantities. Mr. Wolfe noted that the reference in the memo was in regard not to this bid, but in the future bids, at staff level, he had a meeting since the change order that was discussed earlier to make sure that the bid specifications when they are prepared are accurate as possible when it comes to paving quantities. He noted that he has done this.

Mr. Seeds questioned if there are any pending's on this approval. Mr. Wolfe answered no.

Mr. Crissman made a motion to approve the bid for BC-3A/3B sanitary mini-basin project to R3 Construction Inc., in the amount of \$5,391,811.25. Mrs. Lindsey seconded the motion.

Mrs. Lindsey questioned where this project will take place. Mr. Wolfe answered that it is above the Beaver Creek Pump Station, south of Linglestown Road and north of I-81. He noted that it would be in the general vicinity of I-81 and Route 22 at about Shannon Road.

Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on a Stipulation and Joint Motion for Agreed upon Order regarding
East Park Inns, Best Western Premiere Hotel real estate assessment appeal

Mr. Stine noted that this item involved an assessment appeal that was filed by Best Western in August 2013. He noted after it was filed, the Board of Assessment Appeals denied the appeal and it was appealed to the Court of Common Pleas. He noted that the solicitor for the Dauphin County Board of Assessment asked Lower Paxton Township, Central Dauphin School District and Dauphin County if they would agree to pay for an appraisal for the property or a

base line. He noted when the appraisal was done by Mr. Patrick Noon, he estimated the fair market value as \$8,700,000. He noted that the property owner also did an appraisal and it came back at \$5 million. He noted that the solicitor, Jeff Engle has negotiated a number between those two numbers and has arrived at a settlement value of \$6,700,000 as the value of the property. He noted that they are asking the involved municipalities to approve a stipulation so that the matter can be settled as opposed to going to trial before the Court of Common Pleas. He noted that this item is ready for Board action this evening.

Mr. Crissman questioned why there is such a difference between the two appraisals. Mr. Stine answered that it is not unusual for that to occur in a tax assessment appeal to have a fairly wide disparity between the numbers.

Ms. Lindsey questioned if they were reassessed because they became the Best Western Premier; what was the reason behind it. Mr. Stine answered that they filed this appeal due to period of time when they initially constructed the building and were assessed and 2013. He noted that many real estate values decreased substantially and this is just one of a number of assessment appeals in the commercial area that came before the Assessment Board of Appeals at that time. He noted that is what triggered it, the recession that the Country experienced.

Mr. Seeds noted that we have had a lot of these since 2008 and it really effects the School District and their tax base with all the appeals. He noted that it does not have a huge effect on the Township.

Mr. Crissman noted that we are not the only taxing body involved in this and he questioned if the other two taxing bodies have voted on this yet. Mr. Stine answered that the notices were all sent out at the same time. Mr. Crissman questioned if anyone was raising any objections. Mr. Stine noted that he has not heard about any rejections and normally it is not

worthwhile to object because if the other two don't object then we have to litigate it ourselves which does not make any sense. He noted if the School District wants to move forward they would have much more at stake than we do.

Mr. Seeds questioned if Dauphin County pays the court costs for litigation. Mr. Stine answered no, noting if the School District wanted to go through with it on its own, it would be paying for its own costs and fees. Mr. Seeds noted that would be the same for us. Mr. Stine answered that was correct.

Mr. Crissman made a motion to approve the Motion for the Agreed Upon Order regarding the East Park Best Western Premier Hotel and Assessment Appeal as presented by Counsel. Mrs. Lindsey second the motion. Mr. Hawk called for a voice vote with four aye votes and Mr. Hornung casting the one nay vote.

Improvement Guarantees

Mr. Hawk noted that there was two Improvement Guarantees and one Stormwater Guarantees to approve.

Longhorn Steakhouse at Colonial Park Mall

An extension of a bond with Liberty Mutual Insurance Company in the amount of \$238,750.88 with an expiration date of September 2, 2015.

The Estates of Autumn Oaks, Phase 1B

An extension in a letter of credit with Farmers and Merchants Trust Company in the amount of \$194,371.79 with an expiration date of September 2, 2015.

Stormwater Guarantees

John and Barbra Bailey

A release of an escrow with Lower Paxton Township in the amount of \$3,500.00.

Ms. Lindsey questioned why the amount for Longhorn Steakhouse was so high when it looks like everything is done. Mr. Wolfe answered that they have not requested a reduction. He noted that they will be doing that soon, but the current improvement guarantee expires soon, and that is the reason for the extension.

Mr. Crissman made a motion to approve the three listed improvement guarantees. Mr. Seeds second the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority and the purchase cards for Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Hornung made a motion to adjourn the meeting, and the meeting adjourned at 8:15 a.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William L. Hornung
Township Secretary